

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GINA BELCUORE,

Plaintiff,

Case No. 05-60261

v.

Honorable John Corbett O'Meara

CITY OF LINCOLN PARK, *et. al.*,

Defendants.

ORDER OF PARTIAL REMAND

Defendants removed this matter to this court November 14, 2005. Plaintiff Gina Belcuore filed a one-count complaint in the Circuit Court for the County of Wayne, alleging constitutional violations pursuant to 42 U.S.C. § 1983, malicious prosecution, abuse of process and intentional infliction of emotional distress.

While alleged violations of 42 U.S.C. § 1983 and the United States Constitution are cognizable in this court pursuant to 28 U.S.C. §§ 1343, the remaining allegations present claims based on state law. Since the parties to this matter are not diverse, this court declines to exercise pendent jurisdiction over the latter claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c). Thus, pursuant to 28 U.S.C. § 1367(c), Plaintiff's claims of malicious prosecution, abuse of process and intentional infliction of emotional distress are hereby **REMANDED** to the Circuit Court for the County of Wayne.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: December 27, 2005